



U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON ENERGY AND COMMERCE

---

May 15, 2019

TO: Republican Members, Subcommittee on Communications and Technology

FROM: Committee Republican Staff

RE: Hearing entitled “Accountability and Oversight of the Federal Communications Commission” Wednesday, May 15, 2019, at 10 a.m. in 2123 Rayburn HOB.

---

**I. SUMMARY**

- The FCC’s work to streamline access to spectrum and infrastructure has helped to close the digital divide, but work remains to be done to increase broadband deployment – especially in rural America.
- Since the FCC last appeared before the Subcommittee almost 9 months ago, the FCC has implemented a variety of the initiatives included in RAY BAUM’S Act, including additional authority to go after unlawful robocalls.
- There is strong, bipartisan consensus on bringing the benefits of broadband to all Americans through streamlining access to infrastructure, removing barriers to broadband deployment, increasing the amount of available spectrum, and providing funding for broadband.

**II. WITNESSES**

- Ajit Pai, Chairman, Federal Communications Commission;
- Michael O’Rielly, Commissioner, Federal Communications Commission;
- Brendan Carr, Commissioner, Federal Communications Commission;
- Jessica Rosenworcel, Commissioner, Federal Communications Commission; and,
- Geoffrey Starks, Commissioner, Federal Communications Commission

**III. BACKGROUND**

The Federal Communications Commission (FCC) is an independent agency established pursuant to the Communications Act of 1934 (Act) to regulate interstate and international communications by radio, television, wire, satellite, and cable. The agency is comprised of five

Commissioners, appointed by the President and confirmed by the Senate.<sup>1</sup> At present, the agency has five sitting Commissioners. The agency currently has approximately 1,450 full time employees.

Last year, Congress passed RAY BAUM'S Act, which reauthorized the FCC for the first time since 1990, appropriating \$333,118,000 for fiscal year 2019 and \$339,610,000 for fiscal year 2020 to carry out the functions of the agency.<sup>2</sup> This reauthorization effort was a bipartisan, bicameral agreement that included provisions from 18 bills by Committee. In addition to reauthorizing the FCC, the legislation included in RAY BAUM'S Act addressed infrastructure, spectrum, robocalls, and public safety.

It has been a little over a year since Congress passed RAY BAUM'S Act, and almost 9 months since the FCC has come before this Subcommittee. In that time, the FCC has made significant progress in the following areas.

### *Infrastructure*

The FCC streamlined broadband deployment for wireline providers by adopting a Report and Order that reformed the pole attachment process, including allowing for one-touch make ready for most pole attachments.<sup>3</sup> The FCC also facilitated wireless broadband deployment by speeding up state and local review of small cells, which are helpful for 5G deployment.<sup>4</sup>

### *Spectrum*

The FCC remains focused on its comprehensive 5G strategy called '*Facilitating America's Superiority in 5G Technology*', also known as the 5G FAST Plan.<sup>5</sup> A key component of the 5G FAST Plan is making more spectrum available for 5G services, which require a mix of high-band, mid-band, low-band, and unlicensed spectrum. The FCC has prioritized making high-band spectrum available through the nation's first ever auction of high band (28 GHz) spectrum closing at \$702 million,<sup>6</sup> and its current auction of the 24 GHz auction.<sup>7</sup>

The FCC has also started the process to make more spectrum available in the mid-band. Last year, the FCC adopted rules to promote innovation and investment by a variety of users in the Citizens Broadband Radio Service (CBRS) 3.5 GHz.<sup>8</sup> Additionally, the FCC is currently looking at ways to create more flexible use in the Educational Broadband Service (EBS) 2.5 GHz band for 5G technologies.<sup>9</sup> A band that has attracted much attention is the C-Band of 3.7-4.2 GHz bands. The FCC has been looking at ways to expand flexible use of the C-Band since last

---

<sup>1</sup> Communications Act of 1934, 47 U.S.C. §154.

<sup>2</sup> P.L. 115-141.

<sup>3</sup> <https://docs.fcc.gov/public/attachments/FCC-18-111A1.docx>

<sup>4</sup> <https://docs.fcc.gov/public/attachments/FCC-18-133A1.doc>

<sup>5</sup> <https://www.fcc.gov/5G>

<sup>6</sup> <https://docs.fcc.gov/public/attachments/DA-19-18A1.docx>

<sup>7</sup> <https://www.fcc.gov/auction/102>

<sup>8</sup> <https://docs.fcc.gov/public/attachments/FCC-18-149A1.doc>

<sup>9</sup> <https://docs.fcc.gov/public/attachments/FCC-18-59A1.docx>

July,<sup>10</sup> and just recently asked for more public input on how to expand the use of the C-Band spectrum.<sup>11</sup> It is important that the FCC move quickly in making mid-band, especially the C-Band, spectrum available for 5G.

The FCC has made progress in making low-band and unlicensed spectrum available. For low-band, the FCC is exploring ways to facilitate broadband services in the 900 MHz band.<sup>12</sup> For unlicensed, the FCC is looking to create new opportunities for providing low-cost wireless connectivity in devices that employ wi-fi in the 6 GHz band,<sup>13</sup> as well as expedite the deployment of new services in the band above 95 GHz.<sup>14</sup>

### *Robocalls*

The FCC remains committed to combatting unlawful robocalls and malicious caller ID spoofing through a variety of policy and enforcement initiatives to combat unwanted, illegal calls. In December 2018, the FCC adopted rules that would reduce unwanted calls to reassigned numbers through the creation of a database.<sup>15</sup> The FCC has also called on industry providers to adopt and implement a call authentication system by November 2019 in order to combat illegal caller ID spoofing.<sup>16</sup> Following Congress' directive in RAY BAUM'S Act, the FCC proposed amending the Truth in Caller ID rules to combat illegal spoofed texts and international calls.<sup>17</sup> Furthering this policy work, the FCC has imposed major fines on malicious caller ID spoofers.<sup>18</sup>

### *Public Safety*

As part of its core statutory functions to promote public safety through the use of wire and radio communication, the FCC continues to look at ways to improve and sustain the 911 system.<sup>19</sup> The FCC adopted a proposal to improve 911 caller information as directed by Congress in RAY BAUM'S Act as a follow up to Kari's Law Act.<sup>20</sup> The FCC also put forth a proposal for improving location accuracy for wireless Enhanced 911 (E911) services.<sup>21</sup>

Despite efforts to highlight the importance of states properly funding 911 services, the issue of states diverting critical 911 fees collected from consumers to non-911 functions has only gotten worse. For the 2017 calendar year, the total amount of 911 or E911 funds diverted by all reporting jurisdictions was over \$284 million, or approximately 9.7 percent of the total 911/E911

---

<sup>10</sup> <https://www.fcc.gov/document/fcc-expands-flexible-use-mid-band-spectrum>

<sup>11</sup> <https://ecfsapi.fcc.gov/file/05032469505660/DA-19-385A1.pdf>

<sup>12</sup> <https://docs.fcc.gov/public/attachments/FCC-19-18A1.docx>

<sup>13</sup> <https://docs.fcc.gov/public/attachments/FCC-18-147A1.docx>

<sup>14</sup> <https://www.fcc.gov/document/fcc-opens-spectrum-horizons-new-services-technologies-0>

<sup>15</sup> <https://www.fcc.gov/document/fcc-creates-reassigned-numbers-database-combat-unwanted-robocalls-0>

<sup>16</sup> <https://www.fcc.gov/document/chairman-pai-demands-industry-adopt-protocols-end-illegal-spoofing>

<sup>17</sup> <https://docs.fcc.gov/public/attachments/FCC-19-12A1.doc>

<sup>18</sup> <https://docs.fcc.gov/public/attachments/FCC-18-135A1.pdf>; <https://docs.fcc.gov/public/attachments/FCC-18-134A1.pdf>

<sup>19</sup> Communications Act of 1934, 47 U.S.C. §154.

<sup>20</sup> <https://docs.fcc.gov/public/attachments/FCC-18-132A1.docx>

<sup>21</sup> <https://docs.fcc.gov/public/attachments/FCC-19-20A1.docx>

fees collected.<sup>22</sup> This was an increase of almost \$80 million in fees being diverted to non-911 purposes from the previous calendar year.<sup>23</sup>

#### **IV. DISCUSSION**

The FCC, with support and input from Congress, has made significant progress in supporting broadband infrastructure deployment, maintaining America's lead in developing 5G technologies, combatting unlawful robocalls, and ensuring the integrity of our 911 system. However, more work remains. The bulk of this work enjoys bipartisan consensus, and should move quickly through the FCC and Congress to continue our shared goal of closing the digital divide and leading the race to 5G.

#### **V. STAFF CONTACTS**

Please contact Robin Colwell or Tim Kurth of the Republican Committee staff at (202) 225-3641 if you have questions about the hearing.

---

<sup>22</sup> <https://www.fcc.gov/files/10thannual911feereporttocongresspdf>

<sup>23</sup> <https://www.fcc.gov/file/13693/download>